

VALENCIA COUNTY BOARD OF COMMISSIONERS

October 2, 2000

REGULAR MEETING

M I N U T E S

Chairman Alicia Aguilar Called THE MEETING TO ORDER at 9:00 AM.

PRESENT	ABSENT
Alicia Aguilar, Chairman	
Aurelio H. Padilla, Vice-Chairman	
S. T. Frank Pando, Member	
Eloy Giron, Member	
Helen Baca, Member	
James Fernandez, County Manager	
Thomas Garde, County Attorney	
Kandy Cordova, County Clerk	
Press and Public	

EXECUTIVE SESSION

County Clerk Kandy Cordova read the Agenda for the Executive Session. Commissioner Pando stated that he wanted to discuss the gas situation in the Road Department. County Attorney stated that the concern could be addressed under Item j) of the regular Agenda. Commissioner Pando made a motion to go into Executive Session with a second to the motion by Commissioner Giron. Motion carried.

Commissioner Padilla made a motion to return from Executive Session into the Regular Meeting. Commissioner Pando seconded the motion. Motion carried.

Mrs. Carol Anaya reported that discussion regarding the following Transfers, New Hires, Resignations and Terminations had been held: New Hires: Bernabe Carrillo, Patricia Cain; Temporary Hires: Carol Mallory, Justina Hanson; Early Voting: Luz Chavez, Maria Mendoza, Evangeline Tafoya, Charles Wright, Jerry Landavazo, Marilyn Hotchkiss, Sandra Houtz and Theresa Hunter; Resignations: Catherine Novak, Benji Torres; End of Termination: Richard Gleisner; Separations: Arturo Muro, Fernando Sanchez, John Elledge, Laura McLemore, Lydia Aragon, Debbie Baca, Ralph Baca, Melanie Carrillo, Arthur Chavez, Jaime Alvarado, Christobal Archuleta, Antonio Chavez, Denise Chavez, George Garcia, Sandra Gutierrez, Rudy Hernandez, Terri Anne Julian, Anita Napoleon, Barbara Pino, Jimmy Silva, Larry Garcia; Carol Mallory. Leave of Absence Without Pay: Tina Gallegos; Leave of Absence with pay and also some hours without pay: David Salazar; Salary Adjustments: Elaine Gabaldon, Vincent Chacon. Commissioner Pando moved for the approval of the personnel action. Commissioner Giron seconded the motion. Motion carried.

County Attorney Thomas Garde reported that during Executive Session he discussed with Commissioners the filing of the Declaratory Judgment Act concerning the status of BenBur road that was filed last Friday. He stated that they discussed the current litigation with Bernalillo County regarding the 1995-1996 Joint Powers Agreement for the operation of the Juvenile Detention Facility. He stated that he discussed with the Commissioners the oral argument that was held last week regarding the Gleason appeal concerning a zone change on Ruben Baca's property. He stated that they had discussed a meeting with Risk Management concerning the current litigation concerning the operation of the Animal Control Facility, and other than BenBur Road, no action was taken on any of those items. Chairman Aguilar stated that regarding Item c, Adult Detention Contract, she would be asking Commissioners to request another Executive Session to discuss that item at the end of the meeting so that is one item that has not yet been discussed. Commissioner Padilla moved that the foregoing report was all that was discussed in Executive Session. Commissioner Giron made a second to the motion. Motion carried.

PLEDGE OF ALLEGIANCE

Sheriff Juan Julian led the Pledge of Allegiance.

APPROVAL OF AGENDA

County Clerk Kandy Cordova read the Agenda for the Regular Meeting. County Manager James Fernandez requested the deletion of out of state travel listed for Mr. Louie Pena at this request. He stated further that under the Manager's Report he wished to add, Award Bid #518, Las Maravillas Fire Department, Request for In-State Travel for Dee Hall for Dispatch, an update on the contract on the Health Department and the Pipeline update. Commissioner Giron requested that under the Manager's Report he wished to discuss a meeting he had with Frank Holguin and Board members of the New Mexico Extension Service concerning information they have. Mr. Larry Mervine requested

that Item f: Approval of Computer Software Maintenance Contract be deleted from the Agenda. Sheriff Juan Julian requested that he be allowed to bring up an item under Public Requests. Ms. Lorraine Gurule asked that she be allowed to address the Commission under Public Requests. County Clerk Kandy Cordova advised the Commission that the September 18, 2000 Minutes were complete but not proofed or ready for the consideration of the Commission. Commissioner Pando moved the approval of the amended agenda and requested the addition of Item k) Executive Session. Commissioner Giron made a second to the motion. Motion carried.

PUBLIC REQUESTS

Chairman Aguilar called for the first item on the agenda, Rod Baca-Bur-Ben Road. Chairman Aguilar stated that Mr. Baca had requested to come before the Commission regarding a concern over the width of the road; storage units had been placed there. She stated that the matter had been discussed in Executive Session as reported by Mr. Garde. County Attorney Thomas Garde stated that the County had filed an action seeking a Declaratory Judgment on Bur-Ben Road and the issue that is involved in a 1967 survey that was prepared and provided with a 20-foot easement on the road. He stated that apparently that 20-foot easement was never acknowledged by the public, the roadway, and may have been larger subsequent to that. He stated that the property was sold and purchased by a third party who placed a fence on the property lines of the easement and the issue that they have asked the District Court to resolve is whether or not there is a prescriptive easement that has been placed on that property prior to usage and that matter ultimately will be resolved by the District Court.

Ms. Lorraine Gurule addressed the Commission regarding a petition for paving on Bloom-N-Shine Road. She stated that they would like speed humps on the road. She stated that she had just learned that it was a two-step process so she would like to present petitions, one for paving and one for speed humps. She stated her concern that until the paving and speed humps are in place a stop sign would be of some assistance in slowing the traffic on this well traveled road. Commissioner Pando inquired the location of the road, which was clarified by Ms. Gurule. Chairman Aguilar directed Ms. Gurule to present the petitions to the County Manager and since the road is in her District she will be submitting the petitions.

Sheriff Juan Julian addressed the Commission regarding a proposed County Resolution concerning the elimination of term limits for county elected officials, which is a question on the ballot in the coming election. (Exhibit A) He stated that it was an item he understood could not be acted upon at this meeting but it is a resolution supported by all the Sheriffs in the State of New Mexico and he wished to read it into the record. Whereupon, the Resolution was read into the record. (See Exhibit A) He stated that all the Sheriffs in the State of New Mexico support such a resolution and as far as he knew all county elected officials did as well. He stated that it would be an interesting issue on the November ballot and hopes all the citizens support it.

ACTION ITEMS

a) Unveiling of Valencia County Website

Mr. Lawrence Kaneshiro, Director of the Bureau of Elections in the Office of the County Clerk addressed the Commission regarding the completion of the Internet Website for all County Offices. He stated that the Web Address is (www.co.valencia.nm.us). He stated that that is the official county website address beginning October 9th. He stated that anyone, anywhere would be able to learn what the Rio Abajo is all about. He stated that the reason it is named that way is in honor of the culture and heritage of Valencia County. He then showed a film depicting the information on the site of the different offices. He stated that the project had been started about five years ago, a proto-type was built and they were investigating a means to host the website, at the time they were looking at a company called TechNet. He stated that at the time, the County had other priorities and the Website was put on the back burner. He stated that early last year one of the commissioners had inquired why the county didn't have a website and the result of that question is before their eyes. He then narrated the film and explained potential use for the County as well. He clarified where information was obtained and answered questions from Commissioners on potential use. All the Commissioners commended Mr. Kaneshiro for this productive work, which would enhance the technology of County offices. It was stated that the internal infrastructure allowing the best use between offices would be in place, hopefully in six months.

b) Update of Garcia Lot splits & Lobo Valley Subdivision

Mr. Michael McCartney, Planning and Zoning Department, stated that he would address the issues that Mr. Steven Romero brought to the Commission at an earlier meeting regarding zoning violations and access to the property. He stated that he and Assistant Planner Ruben Chavez met with Mr. Romero at his residence and took a tour of the area. Mr. Griego, the Garcia's attorney, sent a letter advising that he needs two more culverts to have access to each particular piece of property and also to advise that his client, is equally responsible for the maintenance and compliance with the Valencia County Ordinance, as well as the renters. He stated that the trash and the horse trailer has been removed and they are in the process of cleaning up their property and in conversation with Mr. Romero, he has advised him to contact him (Mr. McCartney) at any time regarding any zoning violation, and made the particular renters there aware that if any farm equipment was damaged by the trash going into his fields, that they would be held liable.

County Attorney Thomas Garde then stated that two meetings ago the issue came before the Commission regarding a request to reopen the action item heard by this Commission back in February, 1998 concerning an alleged illegal subdivision that occurred on the Garcia property back in October, November of 1996. He stated that in his review of case law concerning a tie vote, as the Commission may or may not be aware, a hearing was scheduled in February of 1998 in which there was a motion made to vacate the first lot split of the Garcia property. He stated that that vote ended up as a tie with one abstention. He stated that the case law pertaining to tie votes follows the decision of the administrator, in this case, the administrator decided to approve the lot split, the October, November lot split. He stated that the Commission at that time by a two-two vote in effect decided to take no action on that lot split. He stated that what he has since learned is that the District Attorney's Office filed an action to void the lot split, a decision was made in April of this year to dismiss that suit filed by the District Attorney's Office. He stated that in review of that decision there was an affidavit by Mr. Romero which set forth the facts that were presented to this Commission back in February of 1998 alleging the same allegations based on this decision of the Commission in 1998, and given the decision by Judge Brown this year, it is my recommendation to this Commission that this action not be taken up as an action item as this Commission made a decision back in 1998, in effect taking no action concerning the decision by the administrator. He stated further that there is no legal precedent that he could find that would allow the Commission to revive a decision that was made back in 1998. He stated that this Commission is being asked to review a decision that was made almost four years ago and he thinks that it is a decision that this Commission would best be served by not getting involved with.

Chairman Aguilar then called on Mr. Steven Romero and inquired of counsel to whom he replied yes, Mr. Anthony Williams, represented him. Mr. Romero addressed the Commission and stated that this was the fifth time he had come to the Commission regarding the matter. He stated that he wanted to quote from previous minutes of a Commission meeting. He stated that Salo Montono voted against him but he says in here, "it is pretty obvious that the law was circumvented". He stated that he would quote County Attorney Thomas Garde, "what came before the Administration back in November of 1996 appeared to be an arms length transaction. In effect what we have here is a family split that has gone to nine separate parcels to be sold. We created a subdivision through the process and I don't think State law calls for. The source would be the Garcia's, in fact the Garcia's were here back in April, although they may not have any interest in the lands, we have a family that is actively or at least there is a scheme, that appears to be going on.. The scheme is there may be nine pieces of land that is sold and nine pieces of land that will have houses built or mobile homes put there that initially the County did not anticipate." He is saying the subdivision was made but the subdivision rules were not followed. Mr. Romero stated that if Commissioners thought about it, their attorney said this and they were still voted against. Valencia can and will continue to attract and keep people living here if county zoning ordinances are enforced. He referred to the prior presentation on the Rio Abajo website and what would happen if someone builds a nice home and then someone comes in and builds something that is not compatible. He stated that the Commissioners have the ability to enforce the ordinances or they can let people make their own rules and proceed as they wish. He asked Commissioners if they didn't wish to drive about the County and see nice developments throughout the county instead of uncontrolled growth. He stated that the decision he is asking them to make is a difficult one that takes a special group of people to stand up and say that the decision made by the prior commissioners and county employees was wrong and he would like to correct it. He stated that the Commissioners talk about culture and heritage in the Rio Abajo and he is just trying to preserve that. Mr. Anthony Williams then addressed the Commission by stating that he agrees that the best thing for the Commission is to just leave the matter alone but he reminded them that they do not act for what is best for the Commission. He stated that they were trustees for the community and the matter is going to end up in Court probably and they have been there before. He stated that every government who is doing its job is in Court on occasion because that is the nature, they shouldn't be afraid of a Court case in deciding whether or not to do the right thing. He stated that Courts are another branch of government that helps citizens solve problems and yes, there are some uncertainties about the matter. He stated that the decision that was reached in the case that District Attorney Runnels brought was reached in part because former county officials said oh, we knew all about this thing and yeah, it was legal and it was okay and we let it go and I think that everyone who heard the evidence the first time looked at this thing and it was pretty obvious that this was a way of creating a 9-lot subdivision without going through the process. He stated that whether or not previous officials approved it, it is still wrong and it is still a circumvention of the law. He stated that they came to the hearing back in 1998 and my client, Steve Romero, got up and asked, is this final action. He stated that Judge Brown found that it was a final action based upon affidavits that the county officials provided, the ex-county officials. Mr. Williams then quoted from the Minutes of the February 23, 1998 meeting, his client, Steve Romero, asked, "Is this a final action? I'd like to ask Counsel because the way it stands right now, the plat stays in place. I don't know, are we coming back after Counsel reviews this or is this final action? Commissioner Padilla said, "I believe it is under review." Commissioner Aguilar said, "My understanding is, they are backing whatever administration did." Mr. Williams stated that he is not sure that they got a clear answer from what one commissioner told his client, this was not a final action and for county and former county officials to go into another court proceeding where none of us are present and file an affidavit saying this was a final County action when one commissioner sat there and told his client something different is not right. He stated that he didn't know what the ultimate answer is but the answer should not be that this Commission should do what is easy for this Commission to do nothing. He stated that if this thing

ends up in Court, so be it. He stated that if they lose, if the Commission loses going back to Court at least there will be at some point a good hearing with the neighborhood present, with the County asserting its position to decide whether or not this is an illegal subdivision. We would ask you to

vacate that plat or at least give us a real hearing in front of this body so that they can present evidence so the Commission can decide with a majority, not leading them to believe there is further investigation going on. Chairman Aguilar inquired of Mr. Williams as to the identity of the Commissioner who told Mr. Romero that it was not a final action. Mr. Williams replied that it was Commissioner Padilla. Mr. Williams then repeated his quote from the Minutes regarding the question of final action and his argument on the duty of the Commission. Commissioner Giron stated that at the time Commissioner Padilla stated that it was under review he also felt at that time that it was still alive. He stated further his feeling about the difficulties of the decision but reiterated his impression expressed by Commissioner Padilla that the matter was still under review. Commissioner Pando stated that his understanding is that the only reason this was not followed up on was because Steve didn't follow the thirty day rule for the appeal and that instead of filing an appeal he filed a criminal charge. County Attorney Thomas Garde stated that his Memo to this Commission was that the two-two vote was a final decision. He stated that Mr. Romero had the opportunity to appeal that decision and he elected to pursue an avenue with the District Attorney's Office and that's where the affidavit filed by Mr. Romero ended up in the Court case. Commissioner Pando inquired if Mr. Romero had ever been notified that it was a final action and was he aware that he had 30 days to appeal. Mr. Garde stated that he didn't believe that is a decision of the Commission, that it is up to Mr. Romero to decide how to proceed. Mr. Romero stated that if you are told it's under review you believe it's under review. Mr. Garde stated that he believed that it is inconceivable that a matter could be under review for over two years. Mr. Romero stated that it has been under review if they have been here five times for two years and they still haven't gotten a direct answer. Commissioner Pando inquired further from Mr. Garde on the process outlined in his Memo to Commissioners. Mr. Garde stated that what could conceivably happen if the matter is set up as an action item with which to review the decision that was made back in 1998, they would have to provide notice to the Garcia's and he suspects the Garcia's would entertain a lawsuit before a District Judge that would, at least the issue would come up as to whether or not this Commission could proceed in reviewing that document because of the Commission's decision back in 1998. Mrs. Glynell Romero stated that in response to Commissioner Pando's inquiry there was a letter from former County Manager David Lloyd Sais to Mr. Williams, which indicated that there was never a decision made, and the matter was still under research. Mr. Williams then stated that they would be happy to assert their position if the Garcia's chose to file a lawsuit but what they are asking the Commission not to do is nothing. Commissioner Padilla stated that the problem has been ongoing since 1996 and he would like to have a re-hearing of the matter. Commissioner Giron stated that he respected counsel's advice on the matter at hand because this decision was made in 1996 when none of them were on the Commission. He stated that he has received numerous calls on the subdivision and that due to the health, safety and welfare to the area and Valencia County that the Commission should re-hear the matter and put some closure to the issue. Commissioner Padilla moved to re-hear the request with a second by Commissioner Giron. Commissioner Pando stated that he agrees that the issue needs to be ended one way or the other. He stated that there are other issues not being addressed and one of those is a health factor, zoning, culverts, and access. Chairman Aguilar stated that she would make one comment and she stated that they go back to another subdivision known as Lobo Valley Acres and at the time this Commission made a decision and the residents wanted them to stop it and take it to court and this Commission chose to leave it alone. She stated that she would also caution this Commission that they are going against Counsel's advice and with that she would call for a vote on the Motion. Commissioners Padilla, Giron and Pando voting yes and Commissioners Aguilar and Baca voting no. Motion carried. Chairman Aguilar stated that her understanding is that when Commissioners are given advice by counsel, if they go against that advice, they may have taken on personal liability in a potential lawsuit.

Mr. Michael McCartney addressed the Lobo Valley Subdivision concerns regarding illegal dumping of trash on the ditch banks, reports of running dogs, loose and incomplete fences. He stated that Zoning Officer Carlos Perea went to the area and stated that all the pipe fencing is complete on the seven homes that are in the subdivision. He stated that Mr. Matthew Otero and his attorney, Frank Sedillo, are still the owners and contact people. He stated that there was one illegal dumpsite identified but at no time was there any evidence of anyone responsible for that dumpsite found and that there were no dogs running loose, all dogs were behind the fence on those particular days. Chairman Aguilar inquired if there was anyone to speak on behalf of Lobo Valley Subdivision or any of the residents of that subdivision. Mr. McCartney stated that he had talked to Mr. Otero this morning and he said there was no need for him to appear. Commissioner Giron stated that he wanted to disclose the split occurred in the early 80's was approved by the County Commission. He stated that the prior subdivision went before the County Manager and it was an administrative decision, which is a big difference in the two subdivisions. Commissioner Pando stated that he had driven by the subdivision last week and he had not seen anything wrong. He stated that the fences needed to be painted but he didn't know if that was part of the restrictions. He stated that it is not something he would want in his neighborhood but it is there.

c) Appeal of Planning and Zoning Decision/Russell Owens

Mr. Michael McCartney addressed the Commission regarding property of Russell Owens, Zoned RR2, T6N; R2EI Sec. L & 2, Tract FI, Map 78; 8.0 Acres, Lands of Frank Steiner, Otero Road, Los Lunas, New Mexico. (Exhibit B) He stated that Mr. Owens request for a split had been denied. Mr. Owens explained the circumstances of his purchase from the previous owner. Discussion ensued among Mr. McCartney, Commissioners and Mr. Owens and the consensus was that the previous split had not been disclosed either by the previous owner or the survey. In his detailed explanation of the predicament he now faces, Mr. Owens, requested reconsideration of the split. After additional discussion Commissioners came to a consensus that more information was needed, which might allow some type of relief. Commissioner Pando made a motion to table the matter until the meeting

of October 16, 2000, to allow Administration to research the matter further. Commissioner Padilla seconded the motion. Motion carried.

d) Request Out of State Travel

Sheriff Juan D. Julian submitted a request for Out of State Travel to attend the Western States Sheriffs' Association conference in Reno Nevada. Motion to approve was made by Commissioner Padilla with a second by Commissioner Pando. Motion carried. (Exhibit C)

A motion to convene as the Indigent Board was made by Commissioner Padilla with a second by Commissioner Pando. Motion carried.

e) Indigent Appeals and Report

Mrs. Barbara Baker presented five appeals, the first being Thomas Goodwin. She recommended approval. Commissioner Giron moved to approve with a second by Commissioner Padilla. Motion carried. She then recommended approval of the appeal of Jose Gonzles. Commissioner Padilla moved to approve with a second by Commissioner Giron. Motion carried. Mrs. Baker then recommended approval of the appeal of Jonathan Banuelos. Commissioner Pando made the motion to approve with a second by Commissioner Baca. Motion carried. She then recommended approval of the appeal of Arthur Mireles. Commissioner Pando made the motion to approve with a second by Commissioner Padilla. Motion carried. She then recommended approval of appeals for three inmates, Anthony Adler, Ronnie Gallegos and Michael Chavez. Commissioner Pando made the motion to approve with a second by Commissioner Padilla. Motion carried. Commissioner Padilla expressed his thanks to Mrs. Baker for her recommendation. Mrs. Baker then presented her report for Claims in the amount of \$46,555.77 with denial of \$24,712.43. (Exhibit D) Commissioner Padilla made a motion to approve with a second by Commissioner Baca. Motion carried.

f) Approval of Computer Software Maintenance Contract Deleted from Agenda

g) Approval of Computer Hardware Maintenance Contract

Mr. Larry Mervine submitted for approval the Equipment Lease (Exhibit E). Motion to approve the Lease was made by Commissioner Pando with a second by Commissioner Padilla. Motion carried. Chairman Aguilar inquired as to whether any attempt has been made to confirm whether or not Triadic is the only vendor for the equipment. Mr. Mervine stated that he would.

h) Manager's Report

County Manager James Fernandez stated that the first item is correspondence regarding a disputed billing with San Miguel County We are at the point in the dispute that they have requested to pay Valencia County the \$8,102.00 in two equal payments. (Exhibit F)

He stated that the next item was correspondence from the Village of Bosque Farms regarding the funding for the Extension Service. He stated the Village of Los Lunas does not choose to participate and the City of Belen and Village of Bosque Farms will. Commissioner Giron then inquired as to where the County is on the funding. County Manager Fernandez stated that the last correspondence sent out were letters to Belen and Bosque Farms requesting a 3-way split and they are indicating that without Los Lunas, no. He stated that the only other measure that could be taken is to send correspondence indicating the \$1,250.00 budgeted by Valencia as its quarter share of funding for the Extension Service is in jeopardy of being lost to the Extension Service. (Exhibit G)

Mr. Fernandez stated the grand opening of the Adult Detention Facility is set for October 7,2000 at 2:00 PM.

Mr. Fernandez stated that the Award of Bid #518, new paving for Las Maravillas Fire Department which came in with a low bid of \$45,195.00. (Exhibit H) He recommended approval of the bid being awarded to Albuquerque Asphalt, Inc., who submitted the low bid. Commissioner made a motion to approve the recommendation with a second by Commissioner Pando. Motion carries.

Mr. Fernandez then presented a Request for In-State Travel for Dee Hall, Dispatcher for recertification. A motion to approve the request was made by Commissioner Pando with a second by Commissioner Padilla. Motion carried. (Exhibit I)

Mr. Fernandez then presented information regarding a billing for the Los Lunas Health Department, which raises the rate of rent from \$4.25 to \$4.50 per square foot effective July 2000 to June 30, 2001. Chairman Aguilar commented that the billing is being received after the fact. Mr. Fernandez stated that this was the first billing that had been received. Chairman Aguilar stated that it is her understanding that as other offices occupy the Training School the utility costs would go down and there are many offices there now. Mr. Fernandez stated that was his understanding and that is why they are so surprised that it went up rather than down. Chairman Aguilar directed the County Manager to make an appointment with the administrator to discuss the matter.

Mr. Fernandez then presented to the Commissioners correspondence regarding the pipeline locations and depths in Valencia County as encouraged by Mr. Leonard Garcia at a previous meeting. (Exhibit J) Discussion ensued over the most pre-eminent dangers posed by the pipelines to the public and county employees maintaining the public roads. The consensus from

Commissioners and Administration was to vigorously pursue with the owners of the pipeline an assurance of maintenance and safety.

Mr. Fernandez stated that the next item was regarding the Extension Service funding at the request of Commissioner Giron. Commissioner Giron stated that he had met with the District Director Gerald Chacon and Mr. Frank Holguin of the Extension Service and requested Mr. Holguin to inform the Commission on a project to obtain assistance for the Service. Mr. Holguin explained to Commissioners that office facilities are available through the Federal Government but would require support. He stated that he had processed an application and requested the support of the Commission. Discussion was held on the availability of County space for the facilities should the application be successful. Commissioners and the County Manager encouraged the project. Commissioner Giron reiterated his interest in assistance to a very worthwhile pursuit of a project all Commissioners agreed would be beneficial both to the Extension Service and the County.

i) Approval of Contracts

Mr. Carlos Montoya presented the Agreement for Services of Zoning Enforcement and Trash Pickup with Valley Improvement Association on the east Mesa cleanup. (Exhibit K) Discussion was held on the financial cost to the County and Mr. Montoya specified areas in which the County has incurred additional costs in the project. Commissioners stated that they felt the shared costs were not equitable and could pose a financial burden to the County if all real costs are not factored into the negotiated costs. The County Manager reminded Commissioners that the County was responsible for cleanup on the County roadway and Michael McCartney stressed the importance of continuing the program which all agreed was a cooperative effort with the VIA. Direction was given to Administration to renegotiate actual costs. A motion to approve the agreement until December, 2000, was made by Commissioner Padilla with a second by Commissioner Pando. Motion carried.

Mr. Carlos Montoya presented a contract for the services of Buddy York as a Community Service Monitor. Motion to approve the contract was made by Commissioner Giron with a second by Commissioner Padilla. Motion carried. Chairman Aguilar stated that the only item on the contract that needed to be amended was under Records and Audits, which should state that records should be submitted to the Jail Monitor instead of the County Manager. Commissioner Padilla inquired if copies would be provided to the County Manager, which was answered in the affirmative by Mr. Montoya.

j) Warrants

Mr. Carlos Montoya presented the Warrants for approval of the Commission. After inquiry, clarification and direction to hold two checks in question, a motion to approve was made by Commissioner Pando with a second by Commissioner Giron. Motion carried.

Chairman Aguilar stated that the only item to be discussed in Executive Session is the Adult Detention Contract. County Manager James Fernandez requested the discussion in Executive Session of the Haz-Mat situation. Chairman Aguilar stated that she also wanted to discuss potential litigation. Commissioner Padilla moved to go into Executive Session with a second by Commissioner Pando. Motion carried

A motion to return from Executive Session was made by Commissioner Giron with a second by Commissioner Baca. Motion carried.

County Attorney Thomas Garde reported that in the Executive Session he had discussed with the Commission the County contract with Cornell on the Adult Detention Facility. He recommended an Emergency Meeting for approval of the contract be set for Thursday, October 5th. 2000. Chairman Aguilar stated that Mr. Michael McCartney had come into the Executive Session to discuss the Haz-Mat situation so the County Attorney and Commissioners are aware of that situation. Commissioner Pando made a motion that the matters stated were all that were discussed in Executive Session and Commissioner Giron seconded the motion. Motion carried.

NEXT MEETING

The next Regular Meeting of the Valencia County Board of County Commission will be held on October 16, 2000 at 6:00 PM in the County Commission Room at the Valencia County Courthouse.

ADJOURNMENT

Motion to adjourn was made by Commissioner Pando with a second by Commissioner Giron. Motion carried.

NOTE: All proposals, documents, items, etc., pertaining to items on the agenda of the October 2nd, Meeting (presented to the Board of County Commissioners) are attached in consecutive order as stated in these minutes.

VALENCIA COUNTY BOARD OF COMMISSIONERS

**ss/
ALICIA AGUILAR, CHAIRMAN**

**ss/
AURELIO H. PADILLA, VICE-CHAIRMAN**

**ss/
S. T. FRANK PANDO, MEMBER**

**ss/
ELOY GIRON, MEMBER**

**ss/
HELEN BACA, MEMBER**

ATTEST: ss/

KANDY CORDOVA, COUNTY CLERK

DATE: October 16, 2000

For an official signed copy of these minutes and attachments see Book 37 Page 848.